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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,532	05/26/2000	David Joseph Clinton	PMCS. 003US1	9629
22798	7590	08/08/2005	EXAMINER	
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C. P O BOX 458 ALAMEDA, CA 94501			QURESHI, AFSAR M	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/580,532	<b>Applicant(s)</b> CLINTON ET AL.	
	<b>Examiner</b> Afsar M. Qureshi	<b>Art Unit</b> 2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-28 is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 7,9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to REMARKS/ARGUMENTS received on 7/11/2005.

***Response to Arguments***

2. Applicant's arguments filed 7/11/25 have been fully considered but they are not persuasive.

Applicant argued that Parupudi (US 6,859,829) fails to disclose the claimed "scheduling of polling to destinations" (claim 1), also, scheduling in Pillar (US 6,501,762) is directed to scheduling the sources.

Pillar discloses weighted scheduling in an ATM connection oriented network wherein scheduling for traffic over several virtual connections is polled between sources and destinations. Pillar does not expressly disclose, "performing scheduling of *polling to destinations*", however Parupudi clearly discloses 'periodic polling of network destination as shown in figs. 8 and 9 in the same ATM networking system. In the broadest interpretation of the limitations in claim 1, the Examiner contends that 'periodic polling' of Parupudi also reads on "scheduling of polling" (claim 1) and can be utilized by modifying Pillar as discussed in the rejection of claim 1 below.

3. *The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.*

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**Claims 1-6, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillar et al. (US 6,501,762) in view of Parupudi et al. (US 6,859,829).**

Claims 1-6. Pillar discloses a scheduler, establishing a FIFO order for scheduling of data transmission to plurality of destinations performing weighted fair queuing (weighted scheduling of polling) (see col. 3, lines 27-40). Pillar further discloses an improvement to the round robin system including weighted burst round robin algorithm (claims 2 and 3) (col. 2, lines 44-65). Pillar further discloses assigning weight values to a common queue feeding cells that have reached the integer weight value for that connection (claims 4-6) (see col. 2, lines 27-33 and col. 4, lines 66 through col. 5, lines 1-10).

Pillar does not specifically disclose polling of the destinations.

However, Parupudi et al. ('Parupudi') discloses a System Event Notification Service 60 (SENS, figures 2, 8, 9) mechanism capable of polling destinations (e.g., IP addresses or names) periodically (see col. 2, lines 22-36). Parupudi further discloses that applications such as Internet browser that functions at a reduced level on a low bandwidth can utilize SENS 60 (see col. 11, lines 56-62).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to be able to modify Pillar by utilizing a centralized mechanism, such as SENS 60 disclosed by Parupudi, to be able to receive system event information corresponding to an event in order to provide a relatively inexpensive, simple and efficient mechanism for intra-class, per connection weighted fair queuing, as desired by Pillar (see col. 9, lines 1-11)

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Claim 8. Pillar discloses number of cells 130, 132, 134, 136 being grouped in each connection 120-126 based on the relative weights (see col. 5, lines 1-51, figure 1).

Claims 10 and 11. As already stated scheduling is done based upon the relative weight of connection and the number of cells that connection is attempting to transmit (see col. 5, lines 2-6).

**Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillar and Parupudi and further in view of Miyoshi et al. (US 6,002,668).**

Claims 12, 13. As discussed, in the rejection of claim 1, SCQ 140 holds data in queues, and functionally can be considered equivalent to claimed queue controller. Transmitting data to FIFO and polling a scheduler an identification for destination with pending data is disclosed by Pillar (see col. 1, lines 33-44 and col. 3, lines 57-67).

The combined disclosures by Pillar and Parupudi do not specifically disclose WAN being the source of data. However, it will be obvious to one of ordinary skill in the art to be able to modify the invention in order to receive data from a source such as wide area network as disclosed by Miyoshi et al. (Miyoshi, hereinafter) (see figure 3). An obvious motivation, in receiving traffic from WAN, would have been to perform all traffic (ABR, VBR, CBR, etc.,) class services.

#### ***Allowable Subject Matter***

4. Claims 14-28 are allowed over prior art of record.

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5. Claims 7, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571- 273 8300

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**AFSAR QURESHI**  
**PRIMARY EXAMINER**

August 3, 2005